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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,171	01/24/2001	Leroy B. Keely	03797.00083	9222

28319 7590 02/05/2004  
BANNER & WITCOFF LTD.,  
ATTORNEYS FOR MICROSOFT  
1001 G STREET, N.W.  
ELEVENTH STREET  
WASHINGTON, DC 20001-4597

EXAMINER

NGUYEN, CAO H

ART UNIT PAPER NUMBER

2173

DATE MAILED: 02/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/768,171

Applicant(s)  
Keely et al.

Examiner  
Cao (Kevin) Nguyen

Art Unit  
2173



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (e). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Nov 21, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 9 6) ☐ Other:

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**DETAILED ACTION**

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Berman et al. (US Patent No. 5,760,773).

Regarding claim 1, Berman discloses a method for selecting portions of electronic data on a display device (see abstract), comprising the steps of: generating a selection area identifying a first portion of said electronic data, wherein said selection area includes one or more selection handles (...interaction with action handle associated with a range of selected text.. see col. 19, lines 20-62); receiving an input from a user associated with said one or more selection handles (...the user drags the action handle, the cursor changes and transform into a icon..see col. 20, lines 23-42) ; and resizing said selection area responsive to said user input (...operating system program responds to the system function of resizing window... see col. 9, lines 40-67).

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Regarding claims 2 and 3, Berman discloses wherein said electronic data is text data; and wherein said step of receiving an input further comprises the step of said user selecting and dragging said one of said selection handles (see col. 12, lines 5-35).

Regarding claim 4, Berman discloses wherein said display device is a tablet personal computer, and said step of said user selecting and dragging is performed using a stylus (.. handheld pen-based computer see figure 1).

Regarding claim 5, Berman discloses wherein said step of resizing is performed in accordance with a directional flow of a language of said electronic data (see col. 12, lines 37-63).

Regarding claim 6, Berman discloses wherein said selection area includes two selection handles on opposing sides of said highlight selection area (see col. 14, lines 1-20).

Regarding claim 7, Berman discloses further comprising the step of exchanging handles when a first of said selection handles is relocated to an opposite side of said selection area (see col. 13, lines 10-67).

Regarding claims 8-10, Berman discloses wherein said step of resizing further comprises the step of automatically resizing said selection area to highlight an entire image object when said user relocates said one of said selection handles to highlight a portion of said image object (see col. 15, lines 8-67; see col. 21, lines 7-57 and figures 8A-8C).

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Regarding claims 11 and 12, Berman discloses wherein said image object handle is a rotational tool; and wherein said electronic data identified by said selection area is displayed in a different color from electronic data not identified by said selection area (see col. 23, lines 1-65).

As claim 13-14 are analyzed as previously discussed with respect to claims 10-12 above.

Regarding claim 15, Berman discloses a portable computing device comprising a display area and a stylus, configured to display electronic text data on said display area (see figure 1); detect a user selection of a portion of said text data using said stylus; display a selection area identifying said selected portion of said text data, wherein said selection area includes first and second selection handles on opposing sides of said selection area (see figures 2-8C); detect a user selection and movement of said first selection handle; and resize said selection area responsive to said user selection and movement of said first selection handle (see col. 24, lines 4-67).

Regarding claims 16 and 17, Berman discloses further configured to resize said selection area in accordance with a directional flow of a language of said text data; and further configured to automatically exchange selection handles when said user selects and moves said first selection handle to an opposite side of said selection area (see col. 25, lines 8-57).

Regarding claims 18 and 19, Berman discloses wherein said user selection of said portion of said text data is generated by double-tapping said stylus on said display area, and said portion

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of said text data is a single word; and wherein said user selection of said portion of said text data is generated by tapping and dragging said stylus on said display area (see col. 26, lines 4-67 and figures 13-14).

*Response to Arguments*

3. Applicant's arguments filed on 11/13/03 have been fully considered but they are not persuasive.

On page 9 of the Remarks, Applicant argues that the Berman does not teach or suggest "a plurality of selection handles being peripherally disposed to the selection area". However, the limitations as claimed set forth to reply upon "the first type of interaction is a tap, while the second type of interaction is a drag. These types of interactions are particularly suitable for pen-based computer systems. The preferred step of displaying at least one selectable command comprises displaying a context menu on the display including a plurality of selectable commands. In the context menu, there is provided an activatable second region on the display associated with the selectable command. In response to interaction between the second region and the pointer, a computer command corresponding to the selectable command is executed. Preferably, again, the interaction between the pointer and the second region comprises a tap. Still

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more particularly described, the step of moving the graphic image of the data object on the display comprises moving the graphic image of the action handle on the display during a dragging operation from a first position to a second position on the display. In response to a release command provided at the second position on the display (typically by withdrawing the pen or stylus from the display screen), a predetermined operation is carried out, e.g. the graphic image of the data object is moved to a new position on the display associated with the second position, or if the object is "dropped" onto a clip box region, the data object is copied." which read on Berman.

On page 10 of the Remarks, Applicant argues that the Berman does not teach or suggest "generating a selection area identifying a first portion of electronic data, wherein said selection area includes two selection handles on opposing sides of said highlight selection area." However, the limitations as claimed set forth to reply upon "the following is a brief example of an object-oriented programming methodology for resizing a window utilized in the Microsoft graphical user interface operating system. Consider a word processor application computer program that displays text in a window. The window may include a "size box", which is a control located at the lower right-hand corner of the window. If selected and dragged, the size box causes the size of the window on the display screen to change to larger or smaller. If the program's window is resized, the word processing program application program will reformat and move the text on the

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display screen to fit within the window when the window is resized. The computer's operating system program generally handles the details of resizing the window, and the application program running under control of the operating system program responds to the system function of resizing the window. The word processing program "knows" when its window is resized because a message is passed to it indicating a resizing operation, and the application program responds by repositioning the text within the available window." which read on Berman.

Accordingly, the claimed invention as represented in the claims do not represent a patentable distinction over the art of record.

**Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (See PTO-892).

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

*Response*

5. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 305-9724 for informal or draft communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

*Inquires*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (703) 305-3972. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached on (703) 308-3116. The fax number for this group is (703) 746-7239.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

